

## NASHVILLE, TENNESSEE

**May 5, 2003**

**IN RE:**

**TARIFF OF CITIZENS TELECOMMUNICATIONS  
COMPANY OF TENNESSEE, LLC FOR SPECIAL  
PROMOTIONS WITHOUT ADVANCE NOTICE  
AND APPROVAL BY THE TRA**

**DOCKET NO.**  
**03-00061**

## ORDER APPROVING TARIFF

This matter came before Chairman Sara Kyle, Director Pat Miller and Director Ron Jones of the Tennessee Regulatory Authority (the “TRA” or “Authority”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on February 3, 2003, for consideration of Citizens Telecommunications Company of Tennessee, LLC’s (“Citizens”) amendments to its General Customer Services Tariff (the “*Tariff*”).

## Background

Citizens submitted a *Tariff* on January 2, 2003 with a proposed effective date of February 3, 2003. In its January 2, 2003 submission, Citizens sought approval of a tariff that would allow it to offer special promotions for certain services and/or products to specific customer types located in specific geographic locations without notice to the Authority.

On January 15, 2003, Citizens submitted an amendment to the *Tariff*. This amendment removed the first submission's provisions limiting special promotions to specific geographical areas and specific customer types and instead provided that such promotions would be offered on a nondiscriminatory basis. The January 15 amendment also provided that special promotions for

new and/or existing services or products would become effective upon one day's notice to the Authority.

On January 17, 2003, the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") filed its *Complaint and Petition to Intervene* ("*Complaint*") in this docket. The *Complaint* set forth the Consumer Advocate's objections to the *Tariff* as submitted by Citizens initially on January 2, 2003.<sup>1</sup> The *Complaint* did not address the amendment to the *Tariff* submitted by Citizens on January 15, 2003.

This matter was considered at a regularly scheduled Authority Conference held on February 3, 2003. Gif Thornton, Esq. appeared on behalf of Citizens. Timothy C. Phillips, Esq. appeared on behalf of the Consumer Advocate. During the hearing Mr. Thornton stated that Citizens and the Consumer Advocate had, prior to the Conference, discussed the Consumer Advocate's concerns regarding Citizens' initial *Tariff* and amendment. Mr. Thornton also pointed out that these latest amendments track language previously approved by the TRA for similar tariffs previously submitted by BellSouth Telecommunications, Inc.<sup>2</sup> Mr. Phillips announced the Consumer Advocate's decision to withdraw its *Complaint* and stated that the Consumer Advocate's withdrawal should not be characterized as approval or disapproval of Citizens' proposed revisions to its *Tariff*.<sup>3</sup>

### **Findings**

The Authority's well established definition of a special promotion is that a special promotion is a temporary waiver (ninety days or less) of certain recurring and/or nonrecurring charges or a one-time credit to a subscriber's account. Special promotions may be filed to

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<sup>1</sup> *Complaint*, pp. 2-3 (January 17, 2003).

<sup>2</sup> Transcript of Authority Conference, pp. 29-30 (February 3, 2003).

<sup>3</sup> Transcript of Authority Conference, p. 30 (February 3, 2003).

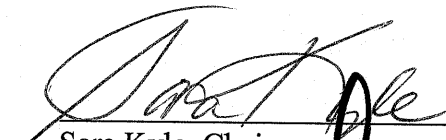
become effective after one day's notice to the Authority.<sup>4</sup> Citizens' *Tariff* submitted on January 2, 2003 with the amendment filed on January 15, 2003 is consistent with the Authority's well established definition of a special promotion and with special promotion tariffs previously submitted by BellSouth Telecommunications, Inc. and approved by the Authority.

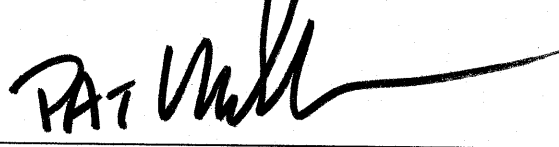
The Authority previously determined that Citizens is experiencing substantial competition in the McMinnville and Sparta, Tennessee exchanges.<sup>5</sup> In addition, the Consumer Advocate announced at the February 3, 2003 Conference that it was withdrawing its Complaint.


Based on the foregoing findings and conclusions, the panel voted unanimously to approve the *Tariff* as amended.

**IT IS THEREFORE ORDERED THAT:**

The *Tariff* as amended by Citizens Telecommunications Company of Tennessee seeking to offer special promotions is approved.

  
Sara Kyle, Chairman

  
Pat Miller, Director

  
Ron Jones, Director

<sup>4</sup> See *In re: BellSouth Tariff to Offer a Special Promotion for Business Customers Subscribing to Exchange Lines With Hunting*, Docket No. 99-00936, *Order Denying Tariff*, p. 7 (November 7, 2000).

<sup>5</sup> See *In re: Petition of Citizens Telecommunications Company of Tennessee for Approval of Their Residential "Win-Back" Promotion in the McMinnville and Sparta Exchanges*, Docket No. 02-00088.